



Local Government Council

**Wednesday, November 9, 2005
1:15 p.m.
404 House Office Building**



The Florida House of Representatives

Local Government Council

Allan G. Bense
Speaker

Ken Sorensen
Chair

AGENDA

LOCAL GOVERNMENT COUNCIL

November 9, 2005 - - 404 House Office Building - - 1:15 p.m. – 3:15 p.m.

I. CALL TO ORDER AND OPENING REMARKS

II. CONSIDERATION OF THE FOLLOWING BILL:

HB 157 CS Homestead Assessments by Littlefield

III. PRESENTATION

Florida Association of Special Districts

IV. ADJOURNMENT

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

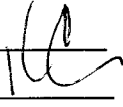
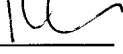
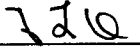
BILL #: HB 157 CS

Homestead Assessments

SPONSOR(S): Littlefield

TIED BILLS: None

IDEN./SIM. BILLS: SB 264

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Civil Justice Committee	5 Y, 0 N, w/CS	Bond 	Bond
2) Local Government Council		Camechis 	Hamby 
3) Finance & Tax Committee			
4) Justice Council			
5)			

SUMMARY ANALYSIS

The 1992 Save Our Homes amendment to the Florida Constitution places a "cap" on annual increases of the assessed value of homestead real property, providing substantial ad valorem tax relief to Florida homeowners. However, the amendment requires reassessment of homestead property to reflect the property's current just value when a "change in ownership", as defined by the Legislature, occurs. Reassessment generally results in higher annual ad valorem taxes assessed against the property due to the higher assessed value. The current statute defining "change in ownership" lists two types of title transfers that do not constitute a "change of ownership", but adding a co-owner to a homestead property is not included. Therefore, it appears that reassessment is required if a co-owner is added to the title for homestead property even when the original owner continues to qualify for the homestead exemption.

This bill amends the statute defining "change of ownership" to specify that adding co-owners of homestead property is not a "change in ownership" that requires reassessment of the homestead property if the same person is entitled to the homestead exemption as was previously entitled. Therefore, the assessed value of the property is not increased and higher ad valorem taxes on the property are avoided. However, if a new co-owner applies for a homestead exemption on the property, the application is considered a "change in ownership" that requires reassessment of the property to reflect its just value.

The bill does not appear to have a fiscal impact on state government. The bill may have a negative fiscal impact on individual local governments depending upon whether a county currently reassesses homestead property when a co-owner is added to the deed for homestead property and the frequency with which co-owners are added to deeds in the county. The actual fiscal impact on local governments is unknown at this time, but the bill has been referred to Revenue Estimating Conference for review.

The bill appears to be a mandate on local government in that it may reduce the authority of cities and counties have to raise ad valorem tax revenues in the aggregate; however, if the Revenue Estimating Conference determines that the bill has an insignificant fiscal impact, the bill will be exempt from the mandates requirements.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes -- This bill prevents automatic reassessment of homestead real property when a co-owner is added to the deed if the same person continues to qualify for the homestead exemption, thereby preventing a potential increase in ad valorem taxes on the property.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The local ad valorem tax is an annual tax levied by local governments based on the value of real and tangible personal property as of January 1 of each year.¹ Florida's Constitution prohibits the state government from levying an ad valorem tax except on intangible personal property. The taxable value of real and tangible personal property is the fair market value of the property adjusted for any exclusions, differentials, or exemptions allowed by the constitution or the statutes.² Tax bills are mailed in November of each year based on the previous January 1st valuation and payment is due by the following March 31.³ Local ad valorem tax revenues in Florida were approximately \$22.4 billion in 2004.⁴

Article VII, § 6, Fla.Const., authorizes an exemption from ad valorem taxation for homestead property owned by a taxpayer and used as the owner's permanent residence or the permanent residence of another who is legally or naturally dependent upon the owner. The value of the homestead exemption is currently \$25,000 of the assessed value of the real estate.

In 1992, the electorate adopted an amendment to art. VII, § 4, Fla.Const., known as the "Save Our Homes" amendment. The amendment limits increases in the ad valorem taxation on homestead real property by limiting increases in the assessed value of such property. The amendment provided for a base year "just value" assessment for each homestead as of January 1, 1994, and restricts subsequent increases in assessments to the lower of either (a) three percent of the prior year's assessment, or (b) the percent change in the Consumer Price Index. Homestead real property purchased after 1994 has a base year "just value" set in the first year that the exemption is available, with the same limits on future increases in the assessed value. In 2004, the Save Our Homes amendment provided approximately \$4.5 billion in property tax relief to Florida homeowners.⁵

The limitation on future increases in the assessed value of homestead real property is only available to a current owner of the homestead real property. Article VII, § 4(c)3., Fla.Const., provides:

After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year. Thereafter, the homestead shall be assessed as provided herein.

The statutory definition of a change of ownership is codified in s. 193.155, F.S., which provides:

(3) Except as provided in this subsection, property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the

¹ 2005 Florida Tax Handbook, p. 138, available from the House Finance & Tax Committee.

² 2005 Florida Tax Handbook, p. 138.

³ 2005 Florida Tax Handbook, p. 136.

⁴ 2005 Florida Tax Handbook, p. 135.

⁵ 2005 Florida Tax Handbook, p. 139.

assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change in ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except as provided in this subsection. There is no change of ownership if:

(a) Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

1. The transfer of title is to correct an error; or
2. The transfer is between legal and equitable title;

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage;

(c) The transfer occurs by operation of law under s. 732.4015; or

(d) Upon the death of the owner, the transfer is between the owner and another who is a permanent resident and is legally or naturally dependent upon the owner.

It is not unusual for a homeowner to add an additional co-owner to their property. One common reason for this type of transaction is that an elderly person wishes to add adult children as co-owners of homestead property in an attempt to avoid probate. This type of transaction, however, may be deemed a change in ownership that will result in an increase in the assessed value of the property (that is, a loss of the Save Our Homes benefit) in the year following the transaction.⁶

Effect of Proposed Changes

This bill amends s. 193.155, F.S., to provide that when a change or transfer of title is by an instrument in which the owner is listed as both grantor and grantee of the real property, and one or more other individuals are additionally named as grantee, the change or transfer is not a change in ownership that would require an increase in the assessed value as long as the same person is entitled to the homestead exemption as was previously entitled. However, if any individual who is additionally named as a grantee applies for a homestead exemption on the property, the application is considered a change of ownership and reassessment is required.

The effect of this bill is that an individual may add one or more co-owners to the deed for homestead property without losing the Save Our Homes benefit, assuming the individual continues to qualify for the homestead exemption on the property.

C. SECTION DIRECTORY:

Section 1 amends s. 193.155, F.S., to provide an additional exception applicable to the Save Our Homes amendment of the Florida Constitution.

Section 2 provides an effective date of July 1, 2006.

⁶ See Attorney General Opinion 2001-31. See also:

<http://pqasb.pqarchiver.com/sptimes/887477751.html?MAC=707a8e7ae0b21690200d46a180abdacb&did=887477751&FMT=FT&FMTS=FT&date=Aug+25%2C+2005&author=HELEN+HUNTLEY&pub=St.+Petersburg+Times&printformat=&desc=Many+are+trying+to+save+that+tax+cap>

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: The bill may have an indeterminate negative fiscal impact on individual local governments depending upon whether a county currently reassesses homestead property when a co-owner is added and the frequency with which co-owners are added to homestead property in the county. The actual fiscal impact on local governments is unknown at this time, but the bill has been referred to the Revenue Estimating Conference for review.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: As a result of this bill, an individual may add one or more co-owners to the deed for homestead property without losing the Save Our Homes benefit, assuming the individual continues to qualify for the homestead exemption on the property. If the Save Our Homes benefit is not lost, an increase in annual ad valorem taxes may be avoided.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: The mandates provision appears to apply because this bill reduces the authority that cities or counties have to raise ad valorem tax revenues in the aggregate; however, if the Revenue Estimating Conference determines that the bill has an insignificant fiscal impact, the bill will be exempt from the mandates requirements.
2. Other: The Legislature may only grant property tax exemptions that are authorized in the constitution, and modifications to property tax exemptions must be consistent with the constitutional provision authorizing the exemption.⁷ This bill appears to be consistent with Art. VII, § 4, Fla. Const., which authorizes the Legislature to define, by general law, what constitutes a change in ownership.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On October 19, 2005, the Civil Justice Committee adopted one amendment to this bill. The language in the bill as filed was not an accurate reflection of technical terminology used in real property transactions. The amendment corrected language without changing the apparent intent of the bill. The bill was then reported favorably with a committee substitute.

⁷ *Sebring Airport Authority v. McIntyre*, 783 So.2d 238, 247 (Fla. 2001).

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CHAMBER ACTION

The Civil Justice Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to homestead assessments; amending s.
193.155, F.S.; providing an additional criterion for
determining no change in ownership of homestead property
for homestead assessment purposes; specifying a condition
for a change in ownership; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (3) of section
193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.--Homestead property shall
be assessed at just value as of January 1, 1994. Property
receiving the homestead exemption after January 1, 1994, shall
be assessed at just value as of January 1 of the year in which
the property receives the exemption.

(3) Except as provided in this subsection, property
assessed under this section shall be assessed at just value as
of January 1 of the year following a change of ownership.

HB 157

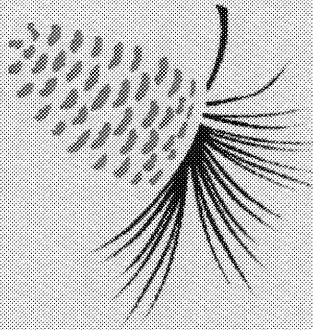
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Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change in ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except as provided in this subsection. There is no change of ownership if:

(a) Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

1. The transfer of title is to correct an error; ~~or~~
2. The transfer is between legal and equitable title; or
3. The change or transfer is by means of an instrument in which the owner is listed as both grantor and grantee of the real property and one or more other individuals are additionally named as grantee. However, if any individual who is additionally named as a grantee applies for a homestead exemption on the property, the application shall be considered a change of ownership;

Section 2. This act shall take effect July 1, 2006.



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A T T O R N E Y S A T L A W

OVERVIEW OF SPECIAL DISTRICTS

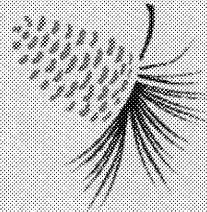
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I. OVERVIEW OF SPECIAL DISTRICTS

- A. All special districts are special purpose local governments.
- B. Special districts are defined as political subdivisions of the State of Florida by general law. Section 1.01(8), Florida Statutes.
- C. Special districts are creatures of statute created by special act of the Florida Legislature or authorized by a general law.
- D. Special districts have the limited purposes specified in the special act or general law that authorizes creation.
- E. The Office of Special District Information, identifies 59 different types of special district by function. Exhibit 1.

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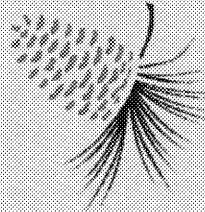
EXHIBIT 1*

TOTALS BY FUNCTION AND STATUTORY AUTHORITY (10/01/2005)

For database management purposes, special districts are categorized by function. This table summarizes these functions, the number of special districts with that function, and the statutory authority, if any. Since many special districts have more than one function, adding the number of special districts will not provide accurate state totals.

Functions / (State Total)	Statutory Authority
Airport/Aviation (26)	Chapter 332, F.S.
Aquatic Plant Control (1)	None
Arts (3)	None
Beach and Shore (4)	Section 161.31, F.S.
Beautification (1)	None
Capital Finance (4)	None
Children/Welfare (9)	Section 125.901, F.S.
Civic Center (6)	None
Community Development (317)	Chapter 190, F.S.
Community Redevelopment (163)	Chapter 163, Part III, F.S.
Commuter Rail (3)	Chapter 343, F.S.
Conservation and Erosion (9)	None
County Development (12)	None

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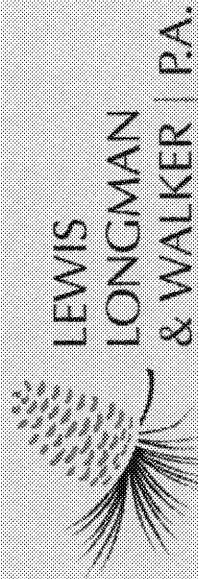
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EXHIBIT 1 (cont'd)

Functions / (State Total)	Statutory Authority
Distribution Pipelines (3)	Section 403.9405, F.S.
Downtown Development (17)	None
Economic Development (10)	None
Education/Research/Training (1)	None
Educational Facilities (Higher) (12)	Chapter 243, Part II, F.S.
Educational Facilities Benefit (1)	Section 1013.355, F.S.
Emergency Medical Services (5)	None
Environmental Protection (7)	None
Expressways and Bridges (20)	Chapter 348, F.S.
Fire Control and Rescue (69)	Chapter 191; Section 633.15, F.S.
Health Care (6)	Section 154.331, F.S.
Health Facilities (33)	Chapter 154, Part III, F.S.
Historic Preservation (1)	Chapter 266, F.S.
Hospital (35)	Chapter 155, F.S.
Housing Authority (92)	Chapter 421, F.S.
Housing Finance (28)	Section 159.604, F.S.

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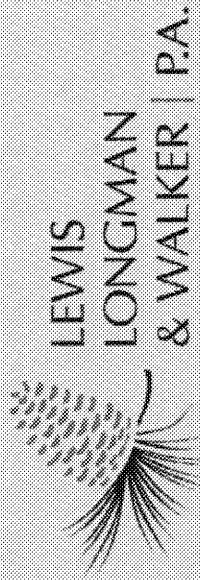


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EXHIBIT 1 (cont'd)

Functions / (State Total)	Statutory Authority
Industrial Development (27)	Chapter 159, Part III, F.S.
Information Systems (1)	Chapter 163, F.S., Part VI
Infrastructure Provision (1)	None
Inlet Maintenance (3)	None
Juvenile Welfare (7)	Section 125.901, F.S.
Library (31)	None
Lighting (3)	None
Mobile Home Parks (4)	Section 418.30, F.S.
Mosquito Control (19)	Section 388.021, F.S.
Municipal Services/Improvements (21)	None
Navigation (12)	Chapter 374, F.S.
Neighborhood Improvement (39)	Chapter 163, F.S.
Nursing Home (1)	None
Parking (1)	None
Personnel (3)	None

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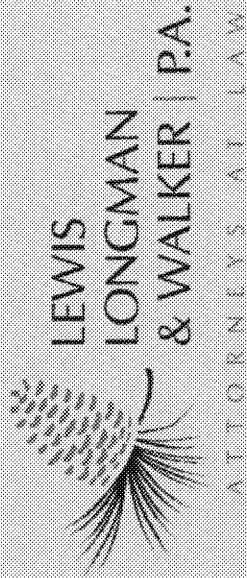
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EXHIBIT 1 (cont'd)

Functions / (State Total)	Statutory Authority
Planning and Zoning (2)	None
Port (15)	Chapter 315, F.S.
Recreation/Parks (24)	Chapter 418.20, F.S.
Research and Development (6)	Chapter 159, Part V, F.S.
Soil and Water Conservation (64)	Chapter 582, F.S.
Solid Waste (8)	None
Sports (4)	None
Subdivision (51)	s. 189.4041, F.S.
Transportation (9)	Chapter 163, F.S.
Utility (7)	None
Wastewater Treatment (3)	Chapter 381, F.S.
Water Control (96)	Section 298.01, F.S.
Water Management (5)	Section 373.069, F.S.
Water Supply (16)	None
Water and Sewer (22)	Section 153.53, F.S.

* Office of Special District Information, Official List of Special Districts

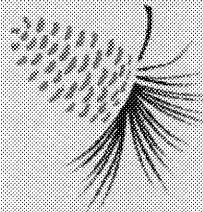
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I. OVERVIEW OF SPECIAL DISTRICTS (cont'd)

- F. There are 1348 active districts in the State of Florida, more than 100 more than June, 2004. See Exhibit 2.
- G. All 67 counties in the State have at least one special district.
- H. Currently, Hillsborough County leads the pack with 108 districts, followed closely by Broward County with 87 and Palm Beach County with 85.

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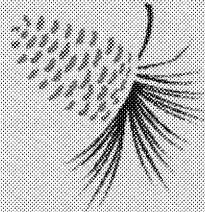
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EXHIBIT 2*

TOTALS BY COUNTY				
10/01/2005				
This table summarizes the number of single county, multicounty, independent, and dependent special districts by county. Multicounty special districts are counted for each county covered by the special districts jurisdiction; therefore, adding the columns will not provide accurate state totals.				
County	Single Counties	Multi Counties	Independents	Dependents
Alachua	Singles: 14	Multis: 2	Independents: 6	Dependents: 10
Baker	Singles: 4	Multis: 5	Independents: 8	Dependents: 1
Bay	Singles: 15	Multis: 2	Independents: 9	Dependents: 8
Bradford	Singles: 4	Multis: 4	Independents: 6	Dependents: 2
Brevard	Singles: 46	Multis: 4	Independents: 19	Dependents: 31
Broward	Singles: 82	Multis: 6	Independents: 42	Dependents: 46
Calhoun	Singles: 3	Multis: 5	Independents: 6	Dependents: 2
Charlotte	Singles: 17	Multis: 9	Independents: 17	Dependents: 9
Citrus	Singles: 9	Multis: 4	Independents: 9	Dependents: 4
Clay	Singles: 11	Multis: 3	Independents: 11	Dependents: 3
Collier	Singles: 38	Multis: 2	Independents: 30	Dependents: 10
				Total: 16
				Total: 9
				Total: 17
				Total: 8
				Total: 50
				Total: 88
				Total: 8
				Total: 26
				Total: 13
				Total: 14
				Total: 40

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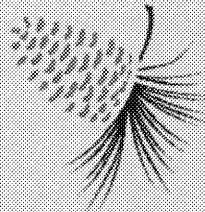
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EXHIBIT 2 (cont'd)

County	Single Counties	Multi Counties	Independents	Dependents	Total
Columbia	Singles: 6	Multis: 3	Independents: 7	Dependents: 2	Total: 9
Desoto	Singles: 5	Multis: 3	Independents: 6	Dependents: 2	Total: 8
Dixie	Singles: 3	Multis: 6	Independents: 7	Dependents: 2	Total: 9
Duval	Singles: 18	Multis: 4	Independents: 15	Dependents: 7	Total: 22
Escambia	Singles: 13	Multis: 3	Independents: 9	Dependents: 7	Total: 16
Flagler	Singles: 10	Multis: 4	Independents: 11	Dependents: 3	Total: 14
Franklin	Singles: 11	Multis: 3	Independents: 9	Dependents: 5	Total: 14
Gadsden	Singles: 7	Multis: 2	Independents: 4	Dependents: 5	Total: 9
Gilchrist	Singles: 3	Multis: 4	Independents: 6	Dependents: 1	Total: 7
Glades	Singles: 6	Multis: 7	Independents: 10	Dependents: 3	Total: 13
Gulf	Singles: 7	Multis: 4	Independents: 6	Dependents: 5	Total: 11
Hamilton	Singles: 3	Multis: 3	Independents: 6	Dependents: 0	Total: 6
Hardee	Singles: 4	Multis: 2	Independents: 4	Dependents: 2	Total: 6
Hendry	Singles: 14	Multis: 11	Independents: 21	Dependents: 4	Total: 25
Hernando	Singles: 17	Multis: 4	Independents: 10	Dependents: 11	Total: 21
Highlands	Singles: 17	Multis: 3	Independents: 8	Dependents: 12	Total: 20

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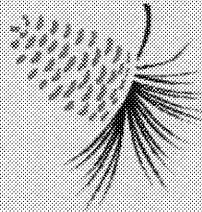
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EXHIBIT 2 (cont'd)

County	Single Counties	Multi Counties	Independents	Dependents	Total
Hillsborough	Singles: 104	Multis: 4	Independents: 51	Dependents: 57	Total: 108
Holmes	Singles: 4	Multis: 4	Independents: 7	Dependents: 1	Total: 8
Indian River	Singles: 12	Multis: 3	Independents: 13	Dependents: 2	Total: 15
Jackson	Singles: 7	Multis: 4	Independents: 7	Dependents: 4	Total: 11
Jefferson	Singles: 1	Multis: 5	Independents: 6	Dependents: 0	Total: 6
Lafayette	Singles: 1	Multis: 3	Independents: 4	Dependents: 0	Total: 4
Lake	Singles: 24	Multis: 4	Independents: 15	Dependents: 13	Total: 28
Lee	Singles: 69	Multis: 6	Independents: 64	Dependents: 11	Total: 75
Leon	Singles: 12	Multis: 2	Independents: 7	Dependents: 7	Total: 14
Levy	Singles: 5	Multis: 5	Independents: 8	Dependents: 2	Total: 10
Liberty	Singles: 0	Multis: 3	Independents: 3	Dependents: 0	Total: 3
Madison	Singles: 3	Multis: 3	Independents: 3	Dependents: 3	Total: 6
Manatee	Singles: 44	Multis: 10	Independents: 39	Dependents: 15	Total: 54
Marion	Singles: 16	Multis: 5	Independents: 14	Dependents: 7	Total: 21
Martin	Singles: 10	Multis: 4	Independents: 8	Dependents: 6	Total: 14
Miami-Dade	Singles: 75	Multis: 4	Independents: 42	Dependents: 37	Total: 79

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EXHIBIT 2 (cont'd)

County	Single Counties	Multi Counties	Independents	Dependents	Total
Monroe	Singles: 12	Multis: 1	Independents: 7	Dependents: 6	Total: 13
Nassau	Singles: 9	Multis: 2	Independents: 8	Dependents: 3	Total: 11
Okaloosa	Singles: 23	Multis: 5	Independents: 19	Dependents: 9	Total: 28
Okeechobee	Singles: 7	Multis: 3	Independents: 9	Dependents: 1	Total: 10
Orange	Singles: 39	Multis: 6	Independents: 25	Dependents: 20	Total: 45
Osceola	Singles: 36	Multis: 4	Independents: 24	Dependents: 16	Total: 40
Palm Beach	Singles: 76	Multis: 9	Independents: 56	Dependents: 29	Total: 85
Pasco	Singles: 42	Multis: 3	Independents: 37	Dependents: 8	Total: 45
Pineellas	Singles: 37	Multis: 4	Independents: 17	Dependents: 24	Total: 41
Polk	Singles: 37	Multis: 3	Independents: 18	Dependents: 22	Total: 40
Putnam	Singles: 7	Multis: 4	Independents: 6	Dependents: 5	Total: 11
Santa Rosa	Singles: 12	Multis: 5	Independents: 10	Dependents: 7	Total: 17
Sarasota	Singles: 21	Multis: 11	Independents: 19	Dependents: 13	Total: 32
Seminole	Singles: 15	Multis: 3	Independents: 7	Dependents: 11	Total: 18
St. Johns	Singles: 25	Multis: 5	Independents: 24	Dependents: 6	Total: 30
St. Lucie	Singles: 35	Multis: 2	Independents: 30	Dependents: 7	Total: 37

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EXHIBIT 2 (cont'd)

County	Single Counties	Multi Counties	Independents	Dependents	Total
Sumter	Singles: 14	Multis: 2	Independents: 14	Dependents: 2	Total: 16
Suwannee	Singles: 5	Multis: 2	Independents: 4	Dependents: 3	Total: 7
Taylor	Singles: 4	Multis: 3	Independents: 5	Dependents: 2	Total: 7
Union	Singles: 4	Multis: 4	Independents: 6	Dependents: 2	Total: 8
Volusia	Singles: 29	Multis: 2	Independents: 9	Dependents: 22	Total: 31
Wakulla	Singles: 1	Multis: 3	Independents: 4	Dependents: 0	Total: 4
Walton	Singles: 13	Multis: 5	Independents: 17	Dependents: 1	Total: 18
Washington	Singles: 5	Multis: 4	Independents: 5	Dependents: 4	Total: 9

TOTAL SPECIAL DISTRICTS IN FLORIDA: 1348

TOTAL MULTICOUNTY SPECIAL DISTRICTS: 66

TOTAL SINGLE-COUNTY SPECIAL DISTRICTS: 1282

TOTAL INDEPENDENT SPECIAL DISTRICTS: 764

TOTAL DEPENDENT SPECIAL DISTRICTS: 584

*Office of Special District Information, Official List of Special Districts

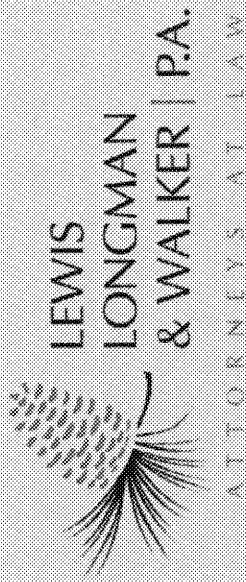
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I. OVERVIEW OF SPECIAL DISTRICTS (cont'd)

- I. Districts are either independent or dependent.
- J. An independent special district has an independent governing board (either elected or appointed) which establishes its own budget and collects taxes, assessments or fees and spends them without oversight by a county or city.
- K. Dependent districts functionally operate as an arm of either a city, county or state agency.
- L. There are 764 independent districts and 584 dependent districts in the State of Florida. To compare, there are 67 counties and less than 500 cities in the State of Florida.

I. OVERVIEW OF SPECIAL DISTRICTS (cont'd)

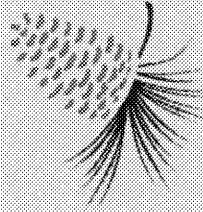
- M. Districts do not have “local home rule” power that has been granted to general purpose governments.
- N. Districts have only the explicit authority granted by statute. Roach v. Loxahatchee Groves Water Control District, 417 So. 2d 814 (Fla. 4th DCA 1982).
- O. Cities and counties may perform any activity not specifically prohibited by the Florida Constitution or general law.
- P. A special district may only do those things explicitly authorized by the Constitution, general law or special act.



II. GENERAL LAW THAT APPLY TO SPECIAL DISTRICTS

1. More than 30 laws of a general nature that apply to practically all special districts.
2. Exhibit 3 is a short list of constitutional and general law provisions that apply or may apply to any particular district government.

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EXHIBIT 3

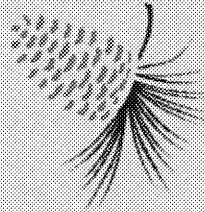
A Short List of General Laws Applicable to Special Districts

The following constitutional provisions and Florida Statutes all have significant provisions that apply to some or all special taxing districts in the State of Florida:

A. Constitutional Provisions

1. Article III, Section 11 – Prohibited Special Acts
2. Article III, Section 14 – Civil Service System
3. Article VII, Section 9 – Ad Valorem Taxes
4. Article VII, Section 10 – Pledging Credit
5. Article VII, Section 12 – Bonds
6. Article VII, Section 4 – Transfer of Powers
7. Article XII, Section 15 – Taxes

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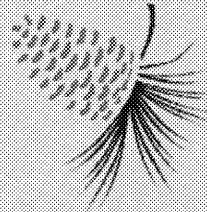
EXHIBIT 3 (cont'd)

A Short List of General Laws Applicable to Special Districts

B. General Laws

1. Chapter 11, Florida Statutes – Annual Audits
2. Chapters 97 – 106, Florida Statutes – Election Law
3. Chapter 112, Florida Statutes – Public Employment, Retirement, Travel Expenses, Code of Ethics and Firefighters Bill of Rights
4. Chapter 119, Florida Statutes – Public Records
5. Chapter 120, Florida Statutes – Administrative Procedures Act
6. Chapter 121, Florida Statutes – Retirement
7. Chapter 125, Florida Statutes – County Powers Act
8. Chapter 131, Florida Statutes – Refunding Bonds
9. Chapters 153 – 157, Florida Statutes – Water and Sewer, Healthcare and Drainage
10. Chapter 159, Florida Statutes – Bond Finance
11. Chapter 163, Florida Statutes – Intergovernmental Cooperation, Growth Management, Community Redevelopment, Neighborhood Improvement Districts, and Transportation Authorities

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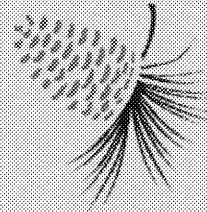
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EXHIBIT 3 (cont'd)

A Short List of General Laws Applicable to Special Districts

12. Chapter 164, Florida Statutes – Dispute Resolution
13. Chapter 166, Florida Statutes – Municipal Home Rule Powers Act
14. Chapter 171, Florida Statutes – Annexation
15. Chapter 175, Florida Statutes – Firefighter Pensions
16. Chapter 189, Florida Statutes – Special Districts Accountability Act
17. Chapter 190, Florida Statutes – Community Development Districts
18. Chapter 191, Florida Statutes – Independent Fire Control Districts
19. Chapter 197, Florida Statutes – Non-Ad Valorem Assessments
20. Chapter 200, Florida Statutes – Truth in Reporting Millage
21. Chapters 215 and 218, Florida Statutes – Local Government Finance, Auditor Selection, Financial Emergencies
22. Chapter 255, Florida Statutes – Public Bids and Construction
23. Chapter 274, Florida Statutes – Tangible Personal Property
24. Chapter 279, Florida Statutes – Registered Public Obligations
25. Section 286.011, Florida Statutes – Government in the Sunshine

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EXHIBIT 3 (cont'd)

A Short List of General Laws Applicable to Special Districts

26. Section 287.055, Florida Statutes – Consultants Competitive Negotiations Act
27. Chapter 298, Florida Statutes – Water Control
28. Chapter 331, Florida Statutes – Florida Space Authority
29. Chapters 343, 348 and 349, Florida Statutes – Transportation and Expressway Authorities
30. Chapter 373, Florida Statutes – Water Resources
31. Chapter 374, Florida Statutes – Navigation Districts
32. Chapter 388, Florida Statutes – Mosquito Control Districts
33. Chapter 403, Florida Statutes – Environmental Regulation
34. Chapter 440, Florida Statutes – Workers' Compensation
35. Chapter 582, Florida Statutes – Soil and Water Conservation
36. Chapter 760, Florida Statutes – Civil Rights
37. Chapter 768, Florida Statutes – Sovereign Immunity
38. Chapter 1013, Florida Statutes – Educational Facilities Benefits Districts

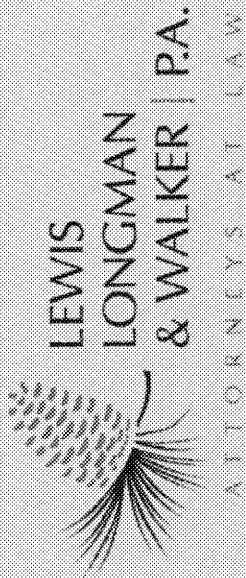
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III. MOST COMMON LEGISLATIVE ISSUES

- A. Creation to provide services or facilities not provided by counties, cities or state government.
- B. Taxes, Assessments and Fees
 - 1. Legislative Authorization
 - 2. Administration
- C. Intergovernmental Coordination
- D. Growth Management / Environment
- E. Annexation

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III. MOST COMMON LEGISLATIVE ISSUES (cont'd)

F. Public Finance

G. Auditing / Oversight

H. Government in the Sunshine / Public Records / Ethics

I. Pension / Retirement Issues

J. Bidding / Contracting Issues

K. Sovereign Immunity

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